

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

INFO-POWER INTERNATIONAL, INC.,

Plaintiff,

v.

CIVIL ACTION No. 3:07-CV-0937-P

COLDWATER TECHNOLOGY, INC. and  
MIKE ZAHNOW,

Defendants.

**JOINT REPORT ON ATTORNEY CONFERENCE AND  
PROPOSAL FOR CONTENTS OF SCHEDULING AND DISCOVERY ORDER**

Following the Court's Order Requiring Attorney Conference and Proposal for Contents of Scheduling and Discovery Order (Docket No. 9), counsel for the parties personally met in good faith to discuss whether this case can be settled before additional expenses are incurred and to formulate a proposed scheduling and discovery order. They set out their clients' demands and attempted to find settlement opportunities, but were unable to do so. The parties nonetheless remain hopeful that settlement will be possible, and they will continue to discuss possible resolution of the case by settlement. In this regard, they have discussed whether ADR would help resolve the case, and they agree that mediation would be appropriate. The parties are therefore willing to attend mediation, but the deadline for mediation should be at least as late as the discovery cutoff.

**PROPOSED SCHEDULING AND DISCOVERY ORDER**

Since the case did not settle, the parties submit the following responses to the Court's requests for proposed contents of a scheduling and discovery order.

1.	Proposed time limit to file motions for leave to join other parties and to amend the pleadings	The parties propose a November 30, 2007 deadline for filing motions for leave to join other parties and to amend the pleadings.
2.	Proposed time limits to file various types of motions	The parties propose a May 15, 2008 deadline for filing dispositive motions, motions to compel discovery, and motions to exclude or limit expert testimony.
3.	Proposed plan and schedule for discovery, including a time limit to complete discovery	The parties propose a May 1, 2005 deadline for completing discovery.
4.	Proposal for limitations, if any, to be placed on discovery	At this time, the parties do not propose that any limitations be placed on discovery.
5.	Proposed time limit to designate expert witnesses	The parties propose deadlines of March 1, 2008 for parties with the burden of proof to designate expert witnesses and serve expert reports and April 1, 2008 for designating rebuttal experts and rebuttal expert reports
6.	Proposed trial date, estimated number of days required for trial, and jury demand	The parties propose a trial date of August 15, 2008; they estimate that the trial will last three days; and a jury has been demanded.
7.	Proposed date for commencing settlement negotiations	The parties propose January 1, 2008 as the date for commencing settlement negotiations.
8.	Consent to trial before U.S. Magistrate Judge William F. Sanderson, Jr.	After carefully reviewing the provisions of 28 U.S.C.A. 636(c) and, specifically, 636(c)(3), the parties do not consent to trial before Magistrate Judge William F. Sanderson, Jr. at this time.
9.	Whether the parties are considering mediation or arbitration to resolve this litigation	The parties are willing to attempt to resolve their dispute through mediation no later than June 1, 2008.
10.	Any other proposals regarding scheduling and discovery that the parties believe will facilitate expeditious and orderly preparation for trial	The parties agree that discovery in this case should be governed by a protective order, and they intend to file a Joint Motion for Protective Order.

11.	Any other matters relevant to the status and disposition of this case.	None
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Accordingly, the parties respectfully propose that the Court enter a scheduling order setting the following deadlines.

<u>November 30, 2007</u>	Deadline for filing motions for leave to join other parties and to amend pleadings
<u>January 1, 2008</u>	Settlement negotiations to be commenced
<u>March 1, 2008</u>	Expert-designation and report deadline for party with the burden of proof
<u>April 1, 2008</u>	Deadline for serving rebuttal expert reports
<u>May 1, 2008</u>	Deadline for completing discovery
<u>May 15, 2008</u>	Deadline for filing dispositive motions, motions to compel discovery, and motions to exclude or limit expert testimony
<u>June 1, 2008</u>	Mediation deadline
<u>August 15, 2008</u>	Trial

Respectfully submitted,

/s/ Herbert J. Hammond (w/ permission J. Michael Heinlen)

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